

RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF UNION IN THE COUNTY OF UNION, NEW JERSEY APPROVING THE USE OF COMPETITIVE CONTRACTING FOR THE SOLICITATION OF BIDS FOR A SOLAR POWER PURCHASE AGREEMENT TO BE UNDERTAKEN IN CONNECTION WITH THE SCHOOL DISTRICT'S PROPOSED ESIP AND AUTHORIZING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, The Board of Education of the Township of Union in the County of Union, New Jersey (the "Board" when referring to the governing body and the "School District" when referring to the territorial boundaries governed thereby) desires to contract with a vendor for a power purchase agreement (the "Solar PPA") involving the installation of solar panels on school sites in the School District (the "Solar Project") in an effort to provide energy savings to the School District; and

WHEREAS, the School District anticipates that it will utilize such energy savings as a part of its proposed Energy Savings Improvement Program ("ESIP") which is being undertaken by the School District; and

WHEREAS, pursuant to N.J.S.A. 18A:18A-4.1(j) and (k), the Board may use competitive contracting in lieu of public bidding for procurement of specialized goods and services, the price of which exceeds the bid threshold, for concessions, and also for the operation, management or administration of other services, with the approval of the Division of Local Government Services in the New Jersey Department of Community Affairs (the "Division"); and

WHEREAS, the Division has, by its Local Finance Notice (LFN 2009-10) dated June 12, 2009 ("Local Finance Notice 2009-10"), authorized the use of competitive contracting (in accordance with, in relevant part, N.J.S.A. 18A:18A:4.1 through 4.5) for solar power purchase agreements, pursuant to either N.J.S.A. 18A:18A-4.1(j) or (k); and

WHEREAS, the Board desires to use competitive contracting to procure the above mentioned specialized services; and

WHEREAS, pursuant to N.J.S.A. 18A:18A-4.3(a), the Board is required to adopt a resolution authorizing the use of competitive contracting; and

WHEREAS, pursuant to N.J.S.A. 18A:18A-4.3(b), 4.4 and 4.5, the competitive contracting process, including the preparation of a request for proposal documentation (the "Solar RFP"), solicitation of proposals, and award of a contract based upon the methodology set forth in the aforesaid Solar RFP, must be administered by the Board's purchasing agent; and

WHEREAS, in connection with such Solar PPA, and pursuant to Local Finance Notice 2009-10, the Board is required, to amend its Long Range Facilities Plan, to the extent required, to incorporate the Solar Project.

NOW, THEREFORE, BE IT RESOLVED by The Board of Education of the Township of Union in the County of Union, New Jersey, pursuant to the aforesaid statutes, as follows:

1. The Board hereby authorizes a competitive contracting process for the solicitation of bids for the Solar PPA, including the distribution of a Solar RFP in connection therewith.
2. Schneider Electric is hereby authorized and directed to undertake the drafting and distribution of such Solar RFP, including the evaluation of such Solar PPA bids, and to finalize a Solar PPA with a selected solar provider, to the extent awarded by the Board and in conjunction with the Board's professionals and administration.
3. Schneider Electric is hereby authorized and directed, to the extent not otherwise already accomplished, to (i) submit an application to the New Jersey Department of Education with respect to the the Solar Project and to amend the School District's Long Range Facilities Plan to include the Solar Project, to the extent it is not incorporated therein and (ii) submit the Solar RFP to the Union Township Planning Board, as applicable, for its review.
4. The Board hereby authorizes and directs the Superintendent and the Business Administrator/Board Secretary to appoint a committee to evaluate the Solar PPA bids and to report same to the Board.
5. The President, Vice-President and Business Administrator/Board Secretary or any other appropriate officer or representative of the Board, are hereby authorized and directed to execute and deliver any and all documents and to do and cause to be done any and all acts and things necessary or proper for carrying out the transaction contemplated by this resolution, and the Solar RFP. The execution by such officials and officers of any such documents, with changes, insertions or omissions approved by the Business Administrator/Board Secretary, in consultation with the Board's professionals, shall be conclusive, and no further ratification or other action by the Board shall be required with respect thereto.
6. This resolution shall take effect immediately.